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<u>Name</u>	<u>Firm/Company</u>	<u>Fax Number</u>	<u>Phone Number</u>
To: Examiner D. T. Doan	United States Patent and Trademark Office	571.273.8300	

From: Wolfgang Stutius

Comments:

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Date: April 5, 2006

Time: 2:17 PM

File Symbol: EQLC-P01-005

Personal ID Number: 28449

Submitted By: Wolfgang Stutius

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Dated: April 5, 2006

Signature: 

(Mary Javne Alvarez)

Docket No.: EQLC-P01-005
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Eric R. Schott

Application No.: 10/761884

Confirmation No.: 4233

Filed: January 20, 2004

Art Unit: 2188

For: STORAGE SYSTEMS HAVING
DIFFERENTIATED STORAGE POOLS

Examiner: D. T. Doan

COMMUNICATION RELATING TO NON-FINAL OFFICE ACTION

Examiner D. T. Doan
United States Patent and Trademark Office
Alexandria, VA 22313-1450
Via Facsimile: 571-273-8300

Dear Sir:

COMMENTS

The following comments relate to the Office Action dated March 14, 2006. Applicant wishes to bring to the attention of the examiner that the refusal to consider the Information Disclosure Statements received by the USPTO on 07/28/2005 and 11/24/2005 (please note the wrong year dates in the Office Action) is improper.

In a telephone call to Examiner Dong on April 3, 2006, Applicant's representative Wolfgang Stutius pointed out that MPEP §609.04(a)(1) requires that *each page of the list must clearly identify the application number of the application in which the IDS is being submitted, if known.*

Applicant has complied with this requirement.

Moreover, MPEP §609.04(b) requires that each item of information in an IDS be identified properly. U.S. patents must be identified by the inventor, patent number, and issue date. U.S. patent application publications must be identified by the applicant, patent application

Application No. 10/761884
Communication dated April 5, 2006
Comments relating to Office Action of March 14, 2006

Docket No.: EQLC-P01-005

publication number, and publication date. U.S. applications must be identified by the inventor, the eight digit application number (the two digit series code and the six digit serial number), and the filing date. If a U.S. application being listed in an IDS has been issued as a patent or has been published, the applicant should list the patent or application publication in the IDS instead of the application. Each foreign patent or published foreign patent application must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application. Each publication must be identified by publisher, author (if any), title, relevant pages of the publication, and date and place of publication. The date of publication supplied must include at least the month and year of publication, except that the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue. The place of publication refers to the name of the journal, magazine, or other publication in which the information being submitted was published. Pending U.S. applications that are being cited can be listed under the non-patent literature section or in a new section appropriately labeled.

Applicant has also complied with these requirements.

Accordingly, there is no requirement to name the inventor of the patent application for which an Information Disclosure Statement is submitted. Applicant therefore requests that the submitted IDS be considered and copies of the SB/08 Forms initialed by the examiner be returned to the Applicant.